

REMARKS/ARGUMENTS

Claims 1-25 are pending in the present application. Claims 1, 5-8, 10, 11, 15-20, 22 and 25 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

Claims 1, 11 and 20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

In rejecting Claims 1, 11 and 20, the Examiner notes an antecedent basis problem. Applicants have amended these claims as suggested by the Examiner. Therefore, the rejection of Claims 1, 11 and 20 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 101

Claims 20-25 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

Claim 20 has been amended to recite that the computer program product is encoded in a computer readable medium and operable in a data processing system for providing dynamic access decision information retrieval, as specifically allowed for per the requirements of MPEP 706.03(a) and 2106. See, in particular, MPEP 2106(IV)(B)(1)(a) where it states:

“A claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.”

Accordingly, as Claim 20 expressly recites a computer program product encoded in a computer readable medium and operable in a data processing system for providing dynamic access decision information retrieval, it is shown that Claim 20 (and similarly for Claims 21-25) is directed to statutory subject matter, pursuant to both judicial case law and the USPTO's own MPEP rules.

Still further, Claim 20 explicitly recites a computer program product encoded in a computer readable medium and operable in a data processing system for providing dynamic access decision information retrieval, which is either a 'manufacture' or a 'composition of matter', both of which are

statutorily recognized subject matter¹. In addition, since Claim 20 explicitly recites a computer program product encoded in a computer readable medium and operable in a data processing system, such claim does *not* fall within one of the three judicially determined exceptions of: natural phenomenon, law of nature or abstract idea (see, e.g., MPEP 2106 and in particular MPEP 2106(IV)(B) and (C)), but instead is limited to a practical application in the technological arts². Thus, it is further shown that Claim 20 is statutory under 35 U.S.C. § 101 as the invention recited therein does not fall within a judicial exception, but instead is limited to a practical application in the technological arts.

Therefore, the rejection of Claims 20-25 under 35 U.S.C. § 101 has been overcome.

III. 35 U.S.C. § 102, Anticipation

Claims 1, 5, 8, 9, 11, 15, 18, 20 and 22 stand rejected under 35 U.S.C. § 102 as being anticipated by Mercredi et al., (U.S. Publication No. 2004/0059590), hereinafter “Mercredi”. This rejection is respectfully traversed.

With respect to Claim 1, Applicants have amended such claim to clearly differentiate the claimed received ‘request’ from the Mercredi user-prompt that is provided by a second application (the ‘user-prompt’ being interpreted to read on the claimed ‘request’ on page 4 of the most recent office action dated 5/10/2007). The Mercredi user prompt by the second application does not identify one or more entitlement information items for an entity and an identity of the entity, and therefore is not equivalent to the claimed ‘request’ that is received. This is because the environments are substantially different between what is claimed in Claim 1 versus what is described by Mercredi. Claim 1 is directed to an application that is requesting access decision information, and such request identifies one or more entitlement information items for an entity and an identity of the entity. In contrast, per the teachings of Mercredi, an application is prompting a user to manually provide credentials needed for enrollment (paragraph [0069]). The features of Claim 1 advantageously provide use of a common focal point/interface to provide a clearinghouse for retrieving entity entitlement information from a plurality of disparate information sources (Specification page 2, line 21 – page 3, line 6 et seq.). In contrast, the teachings of the cited reference are directed to a technique that allows for multiple applications to share

¹ 35 U.S.C. 101 Inventions patentable.

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

² *Only when* the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. § 101. Compare *Musgrave*, 431 F.2d at 893, 167 USPQ at 289; *In re Foster*, 438 F.2d 1011, 1013, 169 USPQ 99, 101 (CCPA 1971).

common user authentication information (Abstract). Thus, it is urged that amended Claim 1 is not anticipated by the cited reference.

Still further, Claim 1 has been amended to recited features previously recited in Claim 5. It is urged that the cited reference does not teach these amended features, as further described below in the Claim 5 discussion.

Applicants initially traverse the rejection of Claim 5 for reasons given above with respect to Claim 1 (of which Claim 5 depends upon).

Further, Claim 5 explicitly recites 'generating a retrieval client' and it is this same generated retrieval client which retrieves the given entitlement information item from the information provider. In rejecting Claim 5, the Examiner ignores the retrieval client generation aspect of Claim 5 in the analysis of the cited reference, by stating that the cited reference teaches 'retrieving an enrollment credential from the first application' (i.e. the Examiner does not allege that the cited reference teaches the claimed 'generating a retrieval client' aspect of Claim 5). Applicants have amended Claim 5 to provide a more detailed definition for this retrieval client generation aspect of Claim 5. It is urged that the cited reference does not teach (or otherwise suggest) the claimed step of generating a retrieval client (as per the features of amended Claim 1), of the claimed step of generating a retrieval client for each one of the plurality of information providers (as per the features of amended Claim 5). This claimed feature advantageously allows for spawning multiple information requests to a plurality of information providers using a single request for a single user (Specification page 4, lines 16-21; page 9, lines 9-13). Thus, it is further urged that Claim 5 is not anticipated by the cited reference.

Applicants traverse the rejection of Claims 8, 9, 11, 15, 18, 20 and 22 for similar reasons to those given above with respect to Claim 1.

Applicants further traverse the rejection of Claim 15 for similar reasons to the further reasons given above with respect to Claim 5.

Therefore, the rejection of Claims 1, 5, 8, 9, 11, 15, 18, 20 and 22 under 35 U.S.C. § 102 has been overcome.

IV. 35 U.S.C. § 103, Obviousness

Claims 2, 3, 12, 13 and 21 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mercredi, (U.S. Publication No. 2004/0059590), in further view of Lambert (U.S. Publication No. 2004/0044779). This rejection is respectfully traversed.

Applicants traverse the rejection of Claims 2, 3, 12, 13 and 21 for similar reasons to those given above with respect to Claim 1, as the additional cited Lambert reference does not overcome the teaching deficiency identified above with respect to Claim 1 and the cited Mercredi reference.

Therefore, the rejection of Claims 2, 3, 12, 13 and 21 under 35 U.S.C. § 103 has been overcome.

V. 35 U.S.C. § 103, Obviousness

Claims 6, 7, 16, 17, 23 and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mercredi, (U.S. Publication No. 2004/0059590), in view of Kausik et al., (U.S. Patent No. 6,263,446), hereinafter “Kausik”. This rejection is respectfully traversed.

Applicants initially traverse the rejection of Claim 6 for similar reasons to those given above with respect to Claim 1, as the additional cited Lambert reference does not overcome the teaching deficiency identified above with respect to Claim 1 and the cited Mercredi reference.

Applicants further traverse the rejection of Claim 6 for similar reasons to those given above with respect to Claim 5, as the additional cited Lambert reference does not overcome the teaching deficiency identified above with respect to Claim 5 and the cited Mercredi reference.

Still further with respect to Claim 6, the Examiner alleges that Kausik teaches a system for downloading credentials from a remote server using a challenge response protocol, and that this reads on the features recited in Claim 6. Applicants urge that the Examiner has failed to properly establish a prima facie showing of obviousness with respect to Claim 6, as the Examiner has failed to establish any teaching with respect to a retrieval client generating a protocol module. Specifically, the Examiner has not established any teachings in the cited references of (1) a retrieval client that generates a protocol module, or (2) that this generated protocol module itself retrieves the given entitlement information item from the information provider. Instead, the Examiner merely alleges the existence of a challenge response protocol. Accordingly, it is urged that Claim 6 has been erroneously rejected due to this failure to establish a prima facie showing of obviousness³.

³ In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id.* To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974). If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Applicants traverse the rejection of Claims 7, 16, 17, 23 and 24 for similar reasons to those given above with respect to Claim 6.

Therefore, the rejection of Claims 6, 7, 16, 17, 23 and 24 under 35 U.S.C. § 103 has been overcome.

VI. 35 U.S.C. § 103, Obviousness

Claims 4 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mercredi, (U.S. Publication No. 2004/0059590), in view of Lambert (U.S. Publication No. 2004/0044779), in further view of Kausik, (U.S. Patent No. 6,263,446). This rejection is respectfully traversed.

Applicants traverse the rejection of Claims 4 and 14 for similar reasons to those given above with respect to Claim 1, as the additional cited Lambert reference does not overcome the teaching deficiency identified above with respect to Claim 1 and the cited Mercredi reference.

Therefore, the rejection of Claims 4 and 14 under 35 U.S.C. § 103 has been overcome.

VII. 35 U.S.C. § 103, Obviousness

Claims 10, 19 and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mercredi, (U.S. Publication No. 2004/0059590), in further view of Mont et al., (U.S. Publication No. 2002/0116646), hereinafter “Mont”. This rejection is respectfully traversed.

Applicants initially traverse the rejection of Claim 10 for similar reasons to those given above with respect to Claim 1, as the additional cited Lambert reference does not overcome the teaching deficiency identified above with respect to Claim 1 and the cited Mercredi reference.

Further with respect to Claim 10, Applicants have amended such claim to specify particulars associated with the application and the networked environment. For example, the user contacts the application for a desired service, and the application – and not the user as per the teachings of the cited Mercredi reference – initiates a request for information needed of the user to provide the service by the application. This claimed feature advantageously allows for providing a single, common interface for the application to access a variety of different types of information providers who may each have their own proprietary interface for accessing information (Specification page 4, lines 6-15). The cited references do not contemplate these claimed features or the resulting advantages provided therefrom. Thus, it is further urged that Claim 10 is not obvious in view of the cited references.

Applicants traverse the rejection of Claims 19 and 25 for similar reasons to those given above with respect to Claim 10.

Therefore, the rejection of Claims 10, 19 and 25 under 35 U.S.C. § 103 has been overcome.

VIII. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Wayne P. Bailey/ _____

Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants